

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL TURK,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 09-258E
)	
INVACARE CORPORATION,)	
MOBILITY PRODUCTS)	
UNLIMITED, LLC, and)	
ROADRUNNER MOBILITY,)	
)	
Defendants.)	
)	

MEMORANDUM OPINION AND ORDER

Pending before this Court is Plaintiff's Request for Entry of Default and Default Judgment Against Defendant Mobility Products Unlimited, LLC [Doc. #24]. At paragraph 4 of his Request, Plaintiff states: "[o]n September 15, 2009, Defendant Mobility Products Unlimited, LLC was served by certified mail with the Complaint filed in the Court of Common Pleas of Venango County, Pennsylvania. (See Notice attached hereto as Exhibit A)." Plaintiff further states at paragraph 10 of the Request: "[t]his Honorable Court should enter a default and a default judgment against defendant Mobility Products Unlimited, LLC because said defendant did not file an answer within 20 days after September 15, 2009, the date of original service. Fed.R.Civ.P. 12 (a)(1)(A)."

Upon review of the documentation attached to his Request, however, Plaintiff did not attach any evidence of service as stated in paragraph 4 of the Request. Accordingly, Plaintiff's Request for Entry of Default and Default Judgment Against Defendant Mobility Products

Unlimited, LLC is denied. Said denial is without prejudice to Plaintiff to file his request again with evidence of service attached.

AND NOW, this 26th day of October, 2010, it is hereby ORDERED, ADJUDGED, AND DECREED that Plaintiff's Request for Entry of Default and Default Judgment Against Defendant Mobility Products Unlimited, LLC [Doc. #24] is DENIED WITHOUT PREJUDICE.

Maurice B. Cohill, Jr.
Maurice B. Cohill, Jr.
Senior District Court Judge